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February 5, 2024

VIA ECF

Hon. Cathy Seibel
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*,
Case No. 7-13-cv-09239-CS-VR

STATUS LETTER

Dear Judge Seibel:

We are counsel to The Wave Studio, LLC in the above captioned action and write to update the Court on the progress made since the November 29, 2023 hearing.

On January 16, 2024, pursuant to the Court's order, we filed a "Master Complaint" with particularized allegations as to each Defendants' infringement to the extent such information is attainable without formal discovery. We attached to the Master Complaint and incorporated by reference a compendium of almost 1,500 pdf versions of attorney-client privileged spreadsheets. The spreadsheets are organized by Defendant and identify the following (using snippets of Defendant About.com, Inc.'s spreadsheet as an example):

(1) The domain name by which the infringement occurred:

Infringer:	4.1-3_about.com	22Feb-13Apr2012	TOTAL REG.	12
			TOTAL PHOTO	239

(2) The date range in which the infringement occurred:

Infringer:	4.1-3_about.com	22Feb-13Apr2012	TOTAL REG.	12
			TOTAL PHOTO	239

Hon. Cathy Seibel
February 5, 2024
Page 2

- (3) The total number of copyright registrations and photographs infringed by the domain name:

Infringer:	4.1-3_about.com	22Feb-13Apr2012	<table><tr><td>TOTAL REG.</td><td>12</td></tr><tr><td>TOTAL PHOTO</td><td>239</td></tr></table>	TOTAL REG.	12	TOTAL PHOTO	239
TOTAL REG.	12						
TOTAL PHOTO	239						

- (4) The specific registration numbers infringed upon:

Registration No	Photo Title	Photo No.									
VA 1-432-324	phuket	001	041								
VA 1-432-324	lalu	022	013	020	016	003	0004	023	008		
VA 1-432-325	muscat	017	018	001							
	lalu	039	117	134	042	155	080	085	150	116	151
		073	103	088	087	127	052	112	100	090	126
		093	092	056	099	135	048	035	036	079	084
		046	030	074	142	145	147	050	051	078	077
		076	106	111	068	071	086	154	114	107	144
		124	143								

- (5) The hotel/resort:

Registration No	Photo Title	Photo No.									
VA 1-432-324	phuket	001	041								
VA 1-432-324	lalu	022	013	020	016	003	0004	023	008		
VA 1-432-325	muscat	017	018	001							
	lalu	039	117	134	042	155	080	085	150	116	151
		073	103	088	087	127	052	112	100	090	126
		093	092	056	099	135	048	035	036	079	084
		046	030	074	142	145	147	050	051	078	077
		076	106	111	068	071	086	154	114	107	144
		124	143								

- (5) And the specific photographs infringed:

Registration No	Photo Title	Photo No.									
VA 1-432-324	phuket	001	041								
VA 1-432-324	lalu	022	013	020	016	003	0004	023	008		
VA 1-432-325	muscat	017	018	001							
	lalu	039	117	134	042	155	080	085	150	116	151
		073	103	088	087	127	052	112	100	090	126
		093	092	056	099	135	048	035	036	079	084
		046	030	074	142	145	147	050	051	078	077
		076	106	111	068	071	086	154	114	107	144
		124	143								

Hon. Cathy Seibel
February 5, 2024
Page 3

The photograph numbers refer to specific file names (*e.g.*, file name “phuket001.jpg,” “lalu022.jpg,” “muscat 017.jpg,” etc...). On February 1, 2024, Wave produced these photographs to all Defendants, each of which is specifically identified by their corresponding file names.

We have more than adequately furnished the information required by the Court for the parties to engage in informed negotiations. The compendium of spreadsheets is merely a combined pdf representation of the individual native excel files, without attorney-client privileged information. There is no additional nonprivileged information within the native spreadsheets that is not already present in the pdf version. We have complied with the Court’s order to provide particularized allegations of Defendants’ infringement so that the parties can engage in informed negotiations.

The Trip Defendants also raised the concern that we have “continued to amend (and re-amend)” the Master Complaint. The Trip.com Defendants misunderstand the facts. On February 1, 2024, we explained to Defendants that we were required to re-file the Master Complaint several times after receiving notices of deficiency from the Court. The notices were triggered because the file clerk was unaware that the Court granted Wave leave to file a Master Complaint, and due to other clerical issues. Importantly, we did not make any substantive changes to the allegations in the Master Complaint. We also asked Defendants to treat the Master Complaint filed on January 26, 2024 (Doc. No. 332), which was accepted by the Court, as the operative complaint. The Master Complaint was not amended.

Finally, on January 26, 2024, we proposed four mediators and Magistrate Judge Victoria Reznik (assigned to this matter) for Defendants’ consideration in the hope that the parties can agree on one and schedule a mediation in relatively short order. We also invited Defendants to propose their own list of mediators. We await Defendants’ response to our proposals. We apologize for not presenting this Status Report sooner. We are committed, however, to resolving the dispute with as many Defendants as possible.

Respectfully Submitted,

Gabriel Berg

Gabriel Berg
Partner